

<b>AMENDMENT OF SOLICITATION/MODIFICATION OF CONTRACT</b>				1. CONTRACT ID CODE		RATING		
2. AMENDMENT/MODIFICATION NO. A006			3. EFFECTIVE DATE 09/23/2009		4. REQUISITION/PURCHASE REQ. NO.		5. PROJECT NO. (If applicable)	
6. ISSUED BY International Boundary and Water Commission (IBWC) USIBWC - ACQUISITIONS DIV 4171 NORTH MESA, STE. C100 EL PASO, TX 79902-1441			CODE IBWC_  NAME Colleen Elliott TEL.  EMAIL elliottc@state.gov		7. ADMINISTERED BY (If other than Item 6) International Boundary and Water Commission (IBWC) USIBWC - ACQUISITIONS DIV 4171 NORTH MESA, STE. C100 EL PASO, TX 79902-1441			
8. NAME AND ADDRESS OF CONTRACTOR (No., street, country, state and ZIP Code)					(X)	9A. AMENDMENT OF SOLICITATION NO. IBM09B0004		
					X	9B. DATED (SEE ITEM 11) 08/18/2009		
						10A. MODIFICATION OF CONTRACT/ORDER NO.		
						10B. DATED (SEE ITEM 13)		
CONTACT				DUNS				
CODE			FACILITY CODE					

11. THIS ITEM ONLY APPLIES TO AMENDMENTS OF SOLICITATIONS

☒ The above numbered solicitation is amended as set forth in item 14. The hour and date specified for receipt of Offers ☐ is extended, ☒ is not extended,

Offers must acknowledge receipt of this amendment prior to the hour and date specified in the solicitation or as amended, by one of the following methods: (a) By completing items 8 and 15, and returning 1 copies of the amendment; (b) By acknowledging receipt of this amendment on each copy of the offer submitted; or (c) By separate letter or telegram which includes a reference to the solicitation and amendment numbers. FAILURE OF YOUR ACKNOWLEDGMENT TO BE RECEIVED AT THE PLACE DESIGNATED FOR THE RECEIPT OF OFFERS PRIOR TO THE HOUR AND DATE SPECIFIED MAY RESULT IN REJECTION OF YOUR OFFER. If by virtue of this amendment you desire to change an offer already submitted, such change may be made by telegram or letter, provided each telegram or letter makes reference to the solicitation and this amendment, and is received prior to the opening hour and date specified.

13. THIS ITEM ONLY APPLIES TO MODIFICATION OF CONTRACTS/ORDERS.

IT MODIFIES THE CONTRACT/ORDER NO. AS DESCRIBED IN ITEM 14.

CHECK ONE	A. THIS CHANGE ORDER IS ISSUED PURSUANT TO: (Specify authority) THE CHANGES SET FORTH IN ITEM 14 ARE MADE IN THE CONTRACT ORDER NO. IN ITEM 10A.
	B. THE ABOVE NUMBERED CONTRACT/ORDER IS MODIFIED TO REFLECT THE ADMINISTRATIVE CHANGES (such as changes in paying office, appropriation date, etc.) SET FORTH IN ITEM 14, PURSUANT TO THE AUTHORITY OF FAR 43.103(b).
	C. THIS SUPPLEMENTAL AGREEMENT IS ENTERED INTO PURSUANT TO AUTHORITY OF:
	D. OTHER (Specify type of modification and authority)

E. IMPORTANT: Contractor ☒ is not, ☐ is required to sign this document and return copies to the issuing office.

## 14. DESCRIPTION OF AMENDMENT/MODIFICATION (Organized by UCF section headings, including solicitation/contract subject matter where feasible.)

Solicitation Amendment IBM09B0004-A006 is issued to:

- A. Change the description for contract line item number (CLIN) 130 to 'Contract line item number (CLIN) not used.' in the Section B Bid Schedule.
- B. Provide answers to questions received at the end of J.15.
- C. Indicate that the deadline for receipt of bids remains unchanged as 4:00 p.m. MDT on Friday, September 25, 2009.

Except as provided herein, all terms and conditions of the document referenced in Item 9A or 10A, as heretofore changed, remains unchanged and in full force and effect.

15A. NAME AND TITLE OF SIGNER (Type or print)		16A. NAME AND TITLE OF CONTRACTING OFFICER (Type or print) <b>Colleen Elliott</b>	
15B. CONTRACTOR/OFFEROR	15C. DATE SIGNED	16B. UNITED STATES OF AMERICA	16C. DATE SIGNED
_____ (Signature of person authorized to sign)		By _____ (Signature of Contracting Officer)	

*Summary Info Continuation Page*

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Line Item Summary	Solicitation Number: IBM09B0004	Contract Number:	Title: RECOVERY - Construct N FW 1, AC 1 & 2 Levee Improv		Date of Solicitation: 09/23/2009
Line Item No.	Description	Quantity	Unit	Unit Price	Total Cost
	NF1, FM 1015-Baseline Rd, CLINs 001-046. AC1, FM 1015-Willacy Canal, CLINs 047-070. AC2, Willacy Canal-White Ranch Rd, CLINs 071-086. NF2, Baseline Rd - County Line, CLINs 087-132 [Optional].				
	NOTE: All quantities are 'estimated.'  Please show subtotals and total bid in Block 17 of the SF 1442 as follows:  001-046 \$ _____ 047-070 \$ _____ 071-086 \$ _____ 087-132 \$ _____ Total Bid: \$ _____				

## Section J - List of Attachments

J.15 Questions and Answers

09/15/2009

08-24-09: The following Question and Answer were submitted in response to this solicitation. This is provided solely for information purposes only and does not change the terms of the solicitation, plans and or specifications unless so otherwise stated

From Mr. Mike Team, Assistant Vice President, Phillips and Jordan, 191 P & J Road, Robbinsville NC 28771 Telephone (828) 479 3371 Fax (828) 4793010 www.pandj.com on 08-24-09:

**Question:** Specification 60 80 00 calls for a self rising floodwall without electrical or hydraulic motors however Bid item # 044 refers to specification 60 80 10 Floodgate (Manual) where is the specifications for the Manuel floodgates.

**Answer:** The bid item is actually shown as 60 98 10 Floodgate (Manual) (5' x 24'). It is to be constructed in accordance with the plans and dimensions as called for in the plans. The technical specification has been revised and is included in Addendum 1.

09-15-09:

**June 4, 2009 e-mail from Ruby Vasquez gaviotaven@wildblue.net**

**Question:** I have accessed the vendors list on six projects listed on fbo.gov. However, I am interested in plan holders that will purchase the fill materials such a fill dirt, sand caliche etc. Gaviota Sand Pit owns several hundred acres inside the floodways where we excavate materials. Some of the vendors listed appear to be companies that would not perform work that would require purchase from a commercial source. Aslo, on IBM09B0004 you state" all sources may submit bid". Are you looking for materials prices only?

One of the area of special interest to me is the levee improvements from the willacy canal to white ranch road. Our main excavation area runs parralel almost the entire length of this section and is also where my home is located. That section is not mentioned on 04. Will this section eventually be listed?

Jaime Vazquez (owner)

**Answer:** All sources submitting bids must bid on the entire bid schedule. Material bids are not separately sought. If the section is not mentioned in the plans it is not included in the project.

**August 24, 2009 e-mail from Michael A Teem, Phillips and Jordan Inc., www.pandj.com**

**Question:** Specification 60 80 00 calls for a self rising floodwall without electrical or hydraulic motors however Bid item # 044 refers to specification 60 80 10 Floodgate (Manual) where is the specifications for the Manuel floodgates.

**Answer: S&B -** The bid item is actually shown as 60 98 10 Floodgate (Manual) (5' x 24'). It is to be constructed in accordance with the plans and dimensions as called for in the plans. The technical specification has been revised and will be included in Addendum 1.

**August 25, 2009 e-mail from from Michael A Teem, Phillips and Jordan Inc., www.pandj.com**

1. Do we have to notify landowners that we will be working on their property and will IBM provide us a list of landowners with contact information?

**Answer:** It will be the Contractor's responsibility to obtain landowner information and to notify the landowner.

2. I am traveling today to attend the pre-bid in the morning and I was informed that a new set of specifications have been posted and additional plans are expected extending the work (option) to Hidalgo County Line. Will the time for asking questions be extended since those traveling today will not be able to view the new plans and specs until after the pre-bid.

**Answer:** The period for asking questions is closed.

**August 26, 2009 e-mail from Ian McKinney, Kirkland Construction, [kirklandconstruction@ghvalley.net](mailto:kirklandconstruction@ghvalley.net)**

I am submitting a written request for the licensed borrow suppliers for IBM09B0004.

**Answer:** There is no list of licensed borrow suppliers for IBM09B0004.

I have looked and looked and cannot find plans for the NF2 option in Amendment A001 or A001cont. We have access to these amendment files on fedbizops.

**Answer:** The plans have been uploaded.

**August 25, 2009 e-mail from from Michael A Teem, Phillips and Jordan Inc., [www.pandj.com](http://www.pandj.com)**

**Question:** Amendement #1 Description of Amendment/Modification it states that Arroyo Colorado North and South Levees (AC2) From Willacy Canal to White Ranch Road are part of the Modification. However when I ask about looking at the South Levee for (AC2) they said that was not part of the project and it must be a typo error is this correct? Amendment # 1 also states that new plans for NF2 have been added. I do not see any revised plans in the amendment #1 that was issued only the new specifications, boring logs, and Appendix A-G.

Where are the plans for NF2?

**Answer:** The plans were uploaded with Amendment 1; however, FedBizOpps was not showing them. We finally got them to a size that would upload under solicitation amendment IBM09B0004-0002 and they were posted, erroneously under solicitation amendment IBM09B0004-0003.

**August 26, 2009 e-mail from Ian McKinney, Kirkland Construction, [kirklandconstruction@ghvalley.net](mailto:kirklandconstruction@ghvalley.net)**

In our first conversation concerning the plans for NF2 you led us to the bore logs. In our second conversation you gave us a link to the bid schedule. I am looking for the plans. The plans.

**Answer:** The plans have been uploaded.

Also, do you have to have prior approval to supply material for bid items: 012, 057, 079, 099 SPECIFICATION 35 41 02 Raise Levee (Embankment). If the answer is yes, please supply the approved supplier list.

**Answer:** The information needed for response to this question is within the existing Specification 35 41 00; the material needed for this specification requires compliance-confirmation by the Government prior to being delivered to the project site; the Contractor is responsible and required to provide material that meet the specifications, and there is no approved supplier list for this specification.

**August 28, 2009 e-mail from Michael A Teem, Phillips and Jordan Inc., [www.pandj.com](http://www.pandj.com)**

1. Are there any weight restrictions for trucks running on top of the levee?

**Answer:** There are no weight restrictions for conventional earth moving and hauling equipment on top of the levee.

2. Will burning of Woody Debris be allowed?

**Answer:** Only if the contractor obtains all necessary permits.

3. Are all septic tanks, structures and hazardous materials to be removed shown on the plans? If not and a large quantity of hazardous material is found how will it be paid for?

**Answer:** There is no existing information regarding hazardous materials within the project site; differing site conditions for removal of hazardous material will be addressed through Contract amendment as per clause 52.236-2 incorporated by reference in Section I of the solicitation at I.1.

4. I wanted to verify that the Sub Contracting plan must be submitted within 24 hours of award is this correct?

**Answer:** Yes.

5. Which takes preference the plan or the specs in case of contradictions between the two? I ask this question since we do not have all the plans for the project and the deadline for asking questions expires today

**Answer:** In accordance with Federal Acquisition Regulation (FAR) clause 52.214-29 Order of Precedence—Sealed Bidding (Jan 1986), incorporated by reference in Section I, under I.1, Any inconsistency in this solicitation or contract shall be resolved by giving precedence in the following order: (a) The Schedule (excluding the specifications); (b) Representations and other instructions; (c) Contract clauses; (d) Other documents, exhibits, and attachments; and (e) The specifications.

**August 28, 2009 e-mail from Sandy Aguilar, Longhorn Excavators, Inc., sandy.aguilar@longhornexcavators.com\**

**Question:** The revised bid form sent with amendment #1 list line items 087 through 132 as “Optional Line Item”, what does this mean?

**Answer:** The Contractor will need to provide a bid for the optional line items; however, it will be the Government’s option to exercise an award for the optional line item.

Plan sheet 12.65 of “Rehabilitation of North Floodway Levee, from FM 1015 to Baseline Road” Traffic Control Plan – Sequence of Construction Note 1 in both Phase 1 & Phase 2 states “Install traffic control devices as shown on TCP (2-4)-03. Install CTB and 2 REACT’s. We are unable to find the referenced plan sheet (TCP (2-4)-03) with the layout of the CTB and REACT’s.

**Answer:** Plan Sheet 12.65 has been revised and provided under Solicitation Amendment 3 (Plan Sheet, Addendum No. 2).

**September 2, 2009 email from Jaime & Ruby Vazquez, gaviotaven@wildblue.net**

**Question:** Colleen, using the amendment 02 that extends the Q&A we pose the following question. Gaviota Materials is currently involved in a large demolition project in Mercedes, Texas. We are producing screened crushed concrete that will meet the TXDOT specs referenced for the flex base requirement of this solicitation and others. This type of material is used in parts of the state and country where there is no sources of rock based materials in those geographical areas. The source of our crushed concrete will greatly minimize the material hauling of the flex base from sources located in north eastern Hidalgo Co. and ultimately reduce the cost to the government. Can this material be a substitute for the caliche material that is called for on this solicitation?

**Answer:** The Contractor will be required to provide a bid on the project as shown in the plans and specifications; the Contractor will be required to provide materials that meet the plans and specifications.

**September 2, 3 & 4, 2009 e-mail from from Michael A Teem, Phillips and Jordan Inc., www.pandj.com**

1. Bid item number 088 Temp Erosion Control (Const Exit) is for 624 LF all the other (Const Exit) items are in SY should this one not be in SY also to keep things consistant?

**Answer:** Yes, Bid Item for 088 should be for SY.

2. Bid Item number 097 for Seeding (TEMP) is in SF the others are SY and it doesn’t really matter other than in our databases for pricing the item it is less time consuming if they are all the same either SF or SY.

**Answer:** Yes, Bid Item for 097 should be for SY.



3. Amendment #3 did not post.

**Answer:** Amendments are posted in FedBizOpps via SF 30s. This is A003. The specifications and drawings are on Amendment 1 versions.

4. Considering the Memorial Day weekend and the plans are not available for review yet I am requesting that the bid date be extended. As we will need to deliver plans to sub-contractors and go look at the work once we have the plans this also includes 2 days of travel time plus the time to look at the sites.

**Answer:** An extension has been considered and is reflected on the SF 30.

5. On the amendment #2 sheet 4 under line item summary NF1 and NF2 appear to be the same thing but different quantities on the bid sheet. (See Below)

Is this just a typo or are quantities duplicated in NF1 and NF2 and if they are what is it that makes them different?

NF1, FM 1015-Baseline Rd, CLINs 001-046.

AC1, FM 1015-Willacy Canal, CLINs 047-070.

AC2, Willacy Canal-White Ranch Rd, CLINs 071-086.

NF2, **Baseline Rd - County Line**, CLINs 087-132 [Optional].

NOTE: All quantities are 'estimated.' Please show subtotals and total bid in Block 17 of the SF 1442 as follows:

001-046 \$\_\_\_\_\_

047-070 \$\_\_\_\_\_

071-086 \$\_\_\_\_\_

087-132 \$\_\_\_\_\_

Total Bid: \$\_\_\_\_\_

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**Answer:** There are four levee reaches, and each have their own bid item list as described above. Note: The description in the header for the bid schedule has been corrected for NF2 as shown above.

6. Section 01 57 00 page 4 paragraph 1.11 state that used Hydrocarbons shall be disposed of by the Contractor. Is this talking about oil spills from a truck or piece of equipment or some existing material already at the site.

**Answer:** Specification 01 57 00, page 4, paragraph 1.11 is referencing used hydrocarbons generated by the Contractor; it does not reference existing materials.

7. If it is existing how will it be paid for and what kind of tests are needed to determine the quantity of material?

**Answer:** See response to Question 6.

8. The bid items and plans for the AC1 Levee show 48,509 CY of Raise Levee Embankment and 28,997 of that material per the Plan Sheet Summary of Levee goes in a 200 foot section on page 6 of the plan and profile sheets. I believe this quantity may be wrong as well as the Remove Topsoil, Raise Levee Bench Excavation, Raise Levee Topsoil and Roadway Flexbase?

**Answer:** Plan sheet has been revised to show revised quantities, and is being provided under Solicitation Amendment 3 (Plan Sheet, Addendum No. 2)

9. If these quantity's are correct then the cross sections may need to be revised as they show raising the levee less than 3 feet on that page with only a 200 foot section being worked. Please advise.

**Answer:** See response to Question 8.

10. North Floodway Levee1 (NF1) per amendment # 1 only includes the North Levee but it still includes in the bid items quantities that match doing the work on Both the North and South Levees. For example the Estimate of Summary Sheet North Levee (Raise Levee Embankment) total is 298,051 CY and the bid item calls for 306,685 CY which includes the material for the south Levee (8,634 CY). Should the bid items match the Estimate of Summary Sheet or simply ignore this? All the bid items for the (CLINs) 001-046 shown on the summary sheet are this way.

**Answer:** Contractor needs to provide bid per the bid items as shown in Section B; plan sheets and bid items have been revised under Solicitation Amendment 3 (Plan Sheet, Addendum No. 2).

11. I know the time for asking questions is over but the plans were not available until today and below are some issues I have found that need to be resolved before a determination can be made on how much dirt and other material are needed as the plans and previous amendments do not match. Amendment # 1 Summary Info Page Description of Modification states that the NF2 {Option } FM 1015 to Hidalgo/Cameron County Line but the plans show the Option as starting at Baseline Road to Hidalgo/Cameron County Line. (Which one is correct?) (Note) This leaves the South part of NF1 out completely from the 1015 to Baseline since neither the (Option per Plans) or the NF1 (North Levee only per specs) include the south section. (Note) the Plans for NF1 include the South Levee Specs do not) Per amendment # 1 the plans reflected that either you would do the North Levee from the 1015 to Baseline or the Option which included the North and South Levees from 1015 to County Line showing you would choose one of the two, but that is not the case according to the (NF2 Plans) which do not include any of the levees below Baseline Rd. (Bottom Line) the Plans are in agreement and cover the entire levee but the Specs do not agree with the plans and leave out part of the levee. The quantities in the bid items match the plans also but the Description of Amendment Modification amendment # 1 does not and Amendment # 2 Line Item Summary does not match the plans. Please advise as these are critical issues.

**Answer:** Clarification of limits is as follows: NF1 is from FM 1015 to Baseline Road and NF2 is from Baseline Road to Hidalgo-Cameron County Line; Contractor needs to provide bid per the bid items as shown in Section B; plan sheets and bid items have been revised under Solicitation Amendment 3 (Plan Sheet, Addendum No. 2).

12. There is a note on the Environmental Permits Issues & Comments (EPIC) North and South Levee (Sheet No. 14.01) under (VII.) Soils note number (1) states " Levee fill material would come from commercial sources

and not from borrow areas in the floodplain. I know on the last bid (IBM09B0005) this was addressed and changed is that true for this project also?

**Answer:** The note was removed from the EPIC sheet; plan sheet has been revised under Solicitation Amendment 3 (Plan Sheet, Addendum No. 2).

**Amendment IBM09B0004-A0004:**

**Questions received 09/18/09 from Mike Lee, Ceres Environmental, e-mail Mike.Lee@ceresenvironmental.com**

1) Can the removed and stockpiled existing gravel (flexbase) (31 14 01) be used for pay item Roadway Flexbase (Type E Grade 4) (50 20 01)?

**Answer:** No. Item 31 14 01 Remov/Stkpl (Existing Gravel) can be utilized for the embankment of the access roads, but not as part of Item 50 20 01 Flexbase (Type E Grade 4).

2) Is the bench excavation material (35 41 01) to be used as levee embankment material and is it paid as an addition to the cubic yards to be placed on the levee or is it part of the levee embankment quantity (35 41 02)? [Ex. For the North Floodway (NF1), the Raise Levee (Bench Excavation) quantity is 130,745 cubic yards. The Raise Levee (Embankment) quantity is 306,685 cubic yards. Is the amount of offsite clay material needed for this project 306,685 cubic yards or is it the difference between (306,685 - 130,745 = 175,940 cubic yards). Also, if the full quantity of clay material (306,685 cubic yards) is needed to raise the levee, is the bench excavation material put back on the levee and is it paid under the bench excavation pay item?

**Answer:** The total fill quantity includes the bench excavation. The fill to be delivered to the site is equal to the total fill minus the bench excavation quantity.

3) On drawing 12.63A, item TT is showing 5 ft thick on table. Is this correct? Is this floodwall footing 5 ft thick?

**Answer:** Plan Sheet 12.63A for North Floodway 1 and Plan Sheet 12.17 for Arroyo Colorado 1 have been revised and are included in Amendment.

4) What is purpose of prime oil (MC-30) (50 21 01)?

**Answer:** In areas of proposed hot mix surface, the prime oil is placed on top of the flex base, prior to the placement of the hot mix asphalt concrete pavement

**Amendment IBM09B0004-A005:**

**Questions received 09/16/2009 from Mike Lee, Ceres Environmental, e-mail Mike.Lee@ceresenvironmental.com**

1) Is this project tax exempt.

**Answer:** Not unless the state or local governments allow it to be so, as permitted by application made by the prospective contractor. Otherwise, all relevant federal, state and local taxes need to be included in the bid, as indicated by paragraph B.2 in Section B of the solicitation and contract.

2) In your Amend #1 and #3 question response, you refer to Spec 60 98 10 as the technical spec for the manual floodgate (5' x 24'). This spec does not exist. Please provide spec.

**Answer:** The specification for the flood gates is 60 80 00; it is shown in the OPC and the technical specs. Item 60 98 10 is for the cleaning of existing structures under Specification 60 98 00.

**Question received 09/22/2009 from Michael A. Team, Phillips and Jordan, Inc. e-mail: mteem@pandj.com:**

Line Item 42 on the bid schedule says Contract Line item not used but it still has the quantity of 1 should we not bid line item 42?

**Answer:** The bid schedule has been corrected at contract line item number (CLIN) 042 to indicate the quantity and bid item description. The entire CLIN bid schedule has been replaced.

**Amendment IBM09B0004-A006:**

**Clarified response from question received 09/18/09 from Mike Lee, Ceres Environmental, e-mail Mike.Lee@ceresenvironmental.com**

2) Is the bench excavation material (35 41 01) to be used as levee embankment material and is it paid as an addition to the cubic yards to be placed on the levee or is it part of the levee embankment quantity (35 41 02)?

[Ex. For the North Floodway (NF1), the Raise Levee (Bench Excavation) quantity is 130,745 cubic yards. The Raise Levee (Embankment) quantity is 306,685 cubic yards. Is the amount of offsite clay material needed for this project 306,685 cubic yards or is it the difference between (306,685 - 130,745 = 175,940 cubic yards). Also, if the full quantity of clay material (306,685 cubic yards) is needed to raise the levee, is the bench excavation material put back on the levee and is it paid under the bench excavation pay item?

**Answer:** It is the Contractor's option to use the bench excavation material as levee embankment --- he can haul it off or use it in the embankment quantity required. The quantity identified under Item 35 41 02 is the total fill required (compacted in place), and includes the void left from the bench excavation. The Contractor will be paid for Raise Levee (Bench Excavation) and Raise Levee (Embankment) under the two bid items identified (35 41 01 and 35 41 02, respectively).

**Question received 09/23/09 from Sandy Aguilar, Longhorn Excavators, e-mail sandy.aguilar@longhornexcavators.com**

Line item 130 SPECIFICATION 60 80 09 Auto Floodgate, Paved Road, 5'x200' quantity is 0 on Amendment A005. Is this correct?

**Answer:** The description for contract line item number (CLIN) 130 has been revised to indicate that it is not used on the face of the SF 30 solicitation amendment.